

OCT. 5, 2006 11:40AM

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FAX TRANSMISSION

DATE: OCTOBER 5, 2006

PTO IDENTIFIER: Application Number 10/582,053
Patent Number
Inventor: Helmut Keul et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-8300

FROM: CONNOLLY BOVE LODGE & HUTZ LLP
Ashley I. Pezzner

PHONE: (302) 658-9141

Attorney Dkt. #: 14368-00001-US

PAGES (Including Cover Sheet): 8

CONTENTS: Certificate of Transmission (1 page)
Transmittal of Translation of International Preliminary Examination Report (1 pg.)
Translation of International Preliminary Examination Report (5 pgs.)

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CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street, P.O. Box 2207, Wilmington, Delaware 19899
Telephone: (302) 658-9141 Facsimile: (302) 658-5614

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NO. 3439 P. 2

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PTO/SB/97 (09-06)

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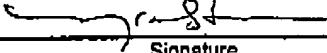
Application No. (if known): 10/582,053

Attorney Docket No.: 14368-00001-US

Certificate of Transmission under 37 CFR 1.8

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on October 5, 2006
Date


Signature

Yvonne C. Steiner

Typed or printed name of person signing Certificate

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Transmittal of Translation of International Preliminary Examination Report
(1 pg.)

Translation of International Preliminary Examination Report (5 pgs.)

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NO. 3439 P. 3

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OCT 05 2006

Docket No.: 14368-00001-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Helmut KEUL et al.

Art Unit: Unassigned

Application No.: 10/582,053

Examiner: Unassigned

Filed: June 8, 2006

For: REACTIVE CYCLIC CARBONATES AND
UREAS USED FOR MODIFYING
BIOMOLECULES, POLYMERS, AND
SURFACES

TRANSMITTAL OF TRANSLATION OF INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

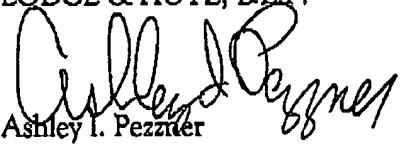
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants submit herewith a translation of the International Preliminary Examination Report ("IPER") issued in the corresponding international application.

The International Bureau of WIPO has deemed that claims 1-9 and 11-14 have novelty, inventive step and industrial applicability. Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14368-00001-US from which the undersigned is authorized to draw.

Respectfully submitted,
CONNOLLY, BOVE,
LODGE & HUTZ, LLP.


Ashley I. Pezzner
Registration No. 35,646
Attorney of Record

CUSTOMER NUMBER

23416

Phone: 302-658-9141

Fax: 302-255-4270

AIP:ycs

491285_1

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY
(CHAPTER I OR CHAPTER II)
OF THE PATENT COOPERATION TREATY)
(PCT Rules 44bis.3(c) and 72.2)

To:

THALHAMMER, Wolfgang
Reitstötter, Kinzebach & Partner (GbR)
Sternharstrasse 4 Patentanwälte
81679 München Reitstötter, Kinzebach & Part.
ALLEMAGNE

Eing. 14. Sep. 2006

Steinharstr. 4 D-81679 München

| |
|--|
| Date of mailing (day/month/year) 08 September 2006 (08.09.2006) |
|--|

| | |
|---|---|
| Applicant's or agent's file reference M/44333-PCT | IMPORTANT NOTIFICATION |
| International application No. PCT/EP2004/014047 | International filing date (day/month/year) 09 December 2004 (09.12.2004) |
| Applicant DEUTSCHES WOLFORSCHUNGSIINSTITUT AN DER RWTH AACHEN E.V. et al | |

1. Transmittal of the translation to the applicant.



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter I).



The International Bureau transmits herewith a copy of the English translation of the international preliminary report on patentability (Chapter II).

2. Transmittal of the copy of the translation to the designated or elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following designated or elected Offices requiring such translation:

None

The following designated or elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, AZ, BA, BB, BG, BR, BW, BY, BZ, CA, CH, CN, CO, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, EG, EP, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NA, NI, NO, NZ, OA, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability (Chapter II).

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned within the applicable time limit (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

| | |
|---|--|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland | Authorized officer Agnes Wittmann-Regis |
| Facsimile No. +41 22 338 82 70 | Facsimile No. +41 22 338 82 70 |

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

| | | | |
|--|--|--|------------------|
| Applicant's or agent's file reference M/44333-PCT | FOR FURTHER ACTION | | See item 4 below |
| International application No. PCT/EP2004/014047 | International filing date (<i>day/month/year</i>) 09 December 2004 (09.12.2004) | Priority date (<i>day/month/year</i>) 09 December 2003 (09.12.2003) | |
| International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237 | | | |
| Applicant DEUTSCHES WOLLFORSCHUNGSSINSTITUT AN DER RWTH AACHEN E.V. | | | |

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.
3. This report contains indications relating to the following items:
- | | |
|---|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |
4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

| | |
|---|--|
| The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70 | Date of issuance of this report 29 August 2006 (29.08.2006) |
| Authorized officer Agnes Wittmann-Regis e-mail: pt06@wipo.int | |

Form PCT/IB/373 (January 2004)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

TRANSLATION
PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

| | | | |
|--|---|---|----------------------|
| | | Date of mailing (day/month/year) | See form PCT/ISA/210 |
| Applicant's or agent's file reference M/44333-PCT | | FOR FURTHER ACTION See paragraph 2 below | |
| International application No. PCT/EP2004/014047 | International filing date (day/month/year) 09.12.2004 | Priority date (day/month/year) 09.12.2003 | |
| International Patent Classification (IPC) or both national classification and IPC C07D317/36 | | | |
| Applicant DEUTSCHES WOLLFORSCHUNGSIINSTITUT AN DER RWTH AACHEN E.V. | | | |

| |
|--|
| <p>1. This opinion contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application <p>2. FURTHER ACTION</p> <p>If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.</p> <p>If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.</p> <p>For further options, see Form PCT/ISA/220.</p> <p>3. For further details, see notes to Form PCT/ISA/220.</p> |
|--|

| | |
|--|--------------------|
| Name and mailing address of the ISA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

Form PCT/ISA/237 (cover sheet) (January 2004)

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NO. 3439 P. 7

OCT 05 2006

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2004/014047

| | |
|---|--|
| Box No. I Basis of this opinion | |
| <p>1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).</p> <p>2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:</p> <p>a. type of material</p> <p><input type="checkbox"/> a sequence listing</p> <p><input type="checkbox"/> table(s) related to the sequence listing</p> <p>b. format of material</p> <p><input type="checkbox"/> in written format</p> <p><input type="checkbox"/> in computer readable form</p> <p>c. time of filing/furnishing</p> <p><input type="checkbox"/> contained in the international application as filed.</p> <p><input type="checkbox"/> filed together with the international application in computer readable form.</p> <p><input type="checkbox"/> furnished subsequently to this Authority for the purposes of search.</p> <p>3. <input type="checkbox"/> In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.</p> <p>4. Additional comments:</p> | |

Form PCT/ISA/237 (Box No. I) (January 2004)

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/014047

| | | | | | | | | | | | | | | | | | | | | |
|---|--|-----|-------------|--------------------------|-----|--|------------------|----|---------------------|--------------------------|-----|--|----------------|----|-------------------------------|--------------------|-----|--|----------------|----|
| Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement | | | | | | | | | | | | | | | | | | | |
| <p>1. Statement</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Novelty (N)</td> <td style="width: 40%;"><u>Claims 1-9, 11-14</u></td> <td style="width: 30%; text-align: right;">YES</td> </tr> <tr> <td></td> <td><u>Claims 10</u></td> <td style="text-align: right;">NO</td> </tr> <tr> <td>Inventive step (IS)</td> <td><u>Claims 1-9, 11-14</u></td> <td style="text-align: right;">YES</td> </tr> <tr> <td></td> <td><u>Claims </u></td> <td style="text-align: right;">NO</td> </tr> <tr> <td>Industrial applicability (IA)</td> <td><u>Claims 1-14</u></td> <td style="text-align: right;">YES</td> </tr> <tr> <td></td> <td><u>Claims </u></td> <td style="text-align: right;">NO</td> </tr> </table> <p>2. Citations and explanations:</p> <p>1. Macromolecules 36, 3861-73 (2003) cites, on page 3871, a compound that comes under formula (I) of claim 10, cf. compound 64.</p> <p>The application therefore does not meet the requirements of EPC Articles 52(1) and 54.</p> <p>2. Where the claimed compounds are novel, an inventive step is acknowledged.</p> | | | Novelty (N) | <u>Claims 1-9, 11-14</u> | YES | | <u>Claims 10</u> | NO | Inventive step (IS) | <u>Claims 1-9, 11-14</u> | YES | | <u>Claims </u> | NO | Industrial applicability (IA) | <u>Claims 1-14</u> | YES | | <u>Claims </u> | NO |
| Novelty (N) | <u>Claims 1-9, 11-14</u> | YES | | | | | | | | | | | | | | | | | | |
| | <u>Claims 10</u> | NO | | | | | | | | | | | | | | | | | | |
| Inventive step (IS) | <u>Claims 1-9, 11-14</u> | YES | | | | | | | | | | | | | | | | | | |
| | <u>Claims </u> | NO | | | | | | | | | | | | | | | | | | |
| Industrial applicability (IA) | <u>Claims 1-14</u> | YES | | | | | | | | | | | | | | | | | | |
| | <u>Claims </u> | NO | | | | | | | | | | | | | | | | | | |